



Local Programs Procedures

LPP 93 - 04

Surface Mining and Reclamation Act (SMARA)

Reference: Local Programs Manual, Volume II,
Special Funded Programs Procedure Manual

Effective Date: _____

Approved: _____
Chief, Office of Local Programs

This LPP clarifies procedures for dealing with SMARA on Local Programs projects.

BACKGROUND

SMARA was enacted in 1975 to ensure reclamation of mined land and to ensure availability of an adequate supply of mineral aggregates for future mining. SMARA prohibits mining operations unless a site has a permit, approved reclamation plan, approved financial assurance, or an appeal on file (for an unapproved financial assurance). The Act has been amended many times including recent legislation that affects local programs. Beginning July 1, 1993, AB 3098 prohibits State Agencies from purchasing or using mined materials unless the source is exempt from SMARA, or the material is from a surface mine on a list published by the Department of Conservation (DOC).

NEW PROCEDURES

Based on a recent informal legal interpretation, the provisions of SMARA apply only to "State-sponsored" projects. As a general rule, projects that are funded primarily (over 50%) with State funds and/or the State's apportionment of federal funds would be considered "State-sponsored".

"Locally-sponsored" projects are not subject to the provisions of SMARA, since the State is not the agency purchasing or using the material. As a general rule, projects that are funded primarily (over 50%) with local funds or the local agency's apportionment of federal funds would be considered "locally-sponsored".

The above interpretation applies to projects either on or off the state highway system and regardless of who is administering the project.